# PPM 480 CASE CLOSURE REQUIREMENTS

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#### GENERAL REQUIREMENTS

#### 480.01 BASIS FOR CLOSURE

The record of services can be closed if:

- (1) an applicant has been determined to be ineligible for vocational rehabilitation services;
- (2) a previously eligible individual has been determined to be no longer eligible for vocational rehabilitation services;
- (3) for reasons other than a determination that an applicant is ineligible or a previously eligible individual is no longer eligible, the individual has refused or is unavailable for vocational rehabilitation services or employment;
- (4) an eligible individual having received services under an approved Individualized Plan for Employment (IPE) has failed to achieve an employment outcome; or
- (5) the individual has achieved an employment outcome of his or her informed choice, consistent with his or her strengths, resources, priorities, concerns, abilities, capabilities, and career interests.

# 480.02 NOTIFICATION OF CLOSURE DECISION AND OPPORTUNITY FOR CONSULTATION

# (1) BASIC NOTIFICATION REQUIREMENT

If the Vocational Rehabilitation Counselor determines that the record of services of any applicant or eligible individual must be closed in accordance with any of the provisions of this chapter, the Counselor must provide adequate notification to the individual or the individual's representative of the closure decision and the availability of consultation with regard to the closure decision, unless the individual refuses it, is deceased, or cannot be located or contacted.

# (2) TIMELINESS OF THE NOTIFICATION

The notification described in paragraph (1) of this section must be provided to the individual as soon as possible, but in all instances not more than 10 business days, following the closure decision.

# (3) FORM OF THE NOTIFICATION

The notification described in paragraph (1) of this section must be provided in writing, supplemented as applicable to the needs of each individual in the language, alternative format, or appropriate mode of communication consistent with his or her informed choice, in the form of:

- (A) a closure letter, if the individual is an applicant in any of Vocational Rehabilitation Program statuses 02, 04, or 06 or an eligible individual in any of program statuses 10, 11, or 81 who does not yet have an approved IPE; or
- (B) a Final Plan Amendment (FPA), if the individual is an eligible individual in any of program statuses 12, 14, 18, 20, 22, or 24 who has an approved IPE.

{REQUIRED PRACTICE. A closure letter is used only to close a record of services of an individual who has had no approved IPE. If the individual has had an IPE approved, an FPA is required to close out the IPE. If the individual has been successfully rehabilitated, the FPA required under paragraph (3)(B)of this section must include all required job information.]

# (4) CONTENT OF THE NOTIFICATION

The notification described in paragraph (1) of this section must minimally provide:

- (A) notice of the closure decision;
- (B) a description of the reason for the closure decision;
- (C) notice of the availability of consultation prior to closure, consistent with paragraph (5) of this section, and identification of the date on which closure will be effective if the individual or the individual's representative refuses or is unavailable for consultation;
- (D) notification regarding the individual's right to receive information and referral services regarding other state and federal programs and local sheltered work providers providing services for individuals with disabilities, as appropriate, consistent with paragraph (6) of this section;

[REQUIRED PRACTICE. If referral is made to a local sheltered work provider, see also the requirements identified in PPM 421.10.]

- (E) notice of the availability of the client assistance program (CAP), the services available through the CAP, and the means by which the CAP may be contacted for assistance, in accordance with the requirements of paragraph (7) of this section;
- (F) a description of the individual's right to a review of the closure decision through mediation and/or formal appeal, consistent with paragraph (8) of this section;
- (G) if applicable, notification regarding the annual review of ineligibility determination described in section 480.03 of this chapter and the individual's right to accept or refuse it; and
- (H) if applicable, notification regarding the annual review of sheltered employment described in section 480.04 of this chapter.

# (5) OPPORTUNITY FOR CONSULTATION

Prior to closing any individual's record of services, the Counselor must provide an opportunity for full consultation to the individual or, as applicable, to the individual's representative.

[REQUIRED PRACTICE. An opportunity for consultation prior to closure must be offered and made available. If offer is accepted, the consultation must occur prior to closure of the record of services. In all such instances, the consultation must provide an active role for the individual (and, if applicable, the individual's representative) in closure discussions; however, where the individual or the individual's representative refuses the opportunity or is unavailable for consultation, closure of the record of services may proceed without the prior consultation otherwise required.]

# (6) INFORMATION AND REFERRAL SERVICES

If the record of services is being closed without the individual's having achieved an employment outcome, the individual must be referred, if appropriate, to:

- (A) other federal and state programs (including, but not limited to, those programs that are administered by other components of the statewide workforce investment system) which provide services pertinent to the individual's training, employment, and other disability-related needs; or
- (B) local sheltered work providers, if there is a determination that the individual is incapable of achieving an employment outcome due to the significance of his or her disability and the individual has made an informed choice to pursue or remain in sheltered work.

# (7) CLIENT ASSISTANCE PROGRAM (CAP) NOTIFICATION

Each applicant or eligible individual whose record of services is closed must be informed regarding the availability of the client assistance program (CAP), the services available through the CAP, and the means by which the CAP may be contacted for assistance.

# (8) MEDIATION AND APPEAL OF THE CLOSURE DECISION

Each applicant or eligible individual whose record of services is closed must be informed regarding his or her right to request a review of the closure decision through the mediation and appeal provisions of the Vocational Rehabilitation Program described in PPM chapter 320.

#### 480.03 REVIEW OF INELIGIBILITY DETERMINATION

The Vocational Rehabilitation Counselor must review within 12 calendar months (and annually thereafter if requested by the individual or the individual's representative) and in accordance with the requirements described in PPM chapter 481 any determination that the individual is ineligible or no longer eligible that is based on a finding that his or her disability is so significant as to preclude the achievement of an employment outcome, except that the review is not required and need not be conducted if:

- (1) the individual has refused it;
- (2) the individual is deceased or he or she is no longer present in the state or cannot be located or contacted; or
- (3) the individual's medical condition is rapidly progressive or terminal.

[REQUIRED PRACTICE. The review of ineligibility determination established in this section is different from and in addition to any review of an ineligibility determination requested by the individual through the program mediation and appeal provisions described in PPM chapter 320.]

#### 480.04 SHELTERED PLACEMENT REVIEW

If an applicant or eligible individual exits the Vocational Rehabilitation Program to pursue or remain in sheltered employment, the sheltered work provider referral and notifications described in PPM 421.10 are required and an annual review of the sheltered employment must be conducted in accordance with PPM chapter 482 to determine whether or not the individual is then capable and desirous of making the transition from sheltered to competitive employment.

#### 480.05 FISCAL RECONCILIATION

Prior to closing, all fiscal activity on the record of services must be reconciled.

#### 480.06 AUTHORITY FOR CLOSURE DECISIONS

All decisions to close the record of services of any applicant or eligible individual must be made by qualified Vocational Rehabilitation Counselor or other qualified professional employed by the Vocational Rehabilitation Program, and cannot be delegated to any other individual or agency.

#### INELIGIBILITY CLOSURES FROM APPLICANT STATUS

# 480.07 DETERMINATION THAT AN APPLICANT IS INELIGIBLE FOR SERVICES

A determination that an applicant is ineligible for services can be made only on the basis of an assessment for determining eligibility and priority for services (including, as appropriate, trial work experiences and an extended evaluation) which demonstrates that the individual fails to meet all of the basic eligibility requirements for Vocational Rehabilitation Program participation, as described in PPM chapter 421 and the following requirements.

# 480.08 INELIGIBLE, NO PHYSICAL OR MENTAL IMPAIRMENT

In order to be eligible, an applicant must first be determined to have a physical or mental impairment, or a combination of two or more such impairments. The lack of a physical or mental impairment must be demonstrated by the absence of definitive evidence to confirm that the reported impairment or any other qualifying impairment exists, or by evidence which demonstrates that the condition identified (e.g., tonsillitis, appendicitis, a broken bone, or hernia) can be resolved by standard medical treatment without significant residual impairment, and fails to meet the definition of a physical or mental impairment for Vocational Rehabilitation Program purposes, as described in PPM 421.12.

[REQUIRED PRACTICE. In the event that the applicant is determined to have no physical or mental impairment, the record of services must be closed to closure status 08 from program status 02 and the appropriate reason for closure must be coded 08, "no disabling condition."]

# 480.09 INELIGIBLE, NO IMPEDIMENT TO EMPLOYMENT

The physical or mental impairment must constitute or result in a substantial impediment to employment, as described in PPM chapter 421.13. A substantial impediment to employment does not exist for Vocational Rehabilitation Program purposes if the impediment to preparing for, securing, or maintaining employment is:

- (1) solely the result of factors which are other than the physical or mental impairment (such as poverty, a criminal record, illiteracy, lack of English language proficiency, lack of training, experience, or other job qualifications, or other socio-economic factors); or
- (2) not significant enough to substantially impede the ability of the individual to achieve an employment outcome (such as sinusitis or common allergies).

[REQUIRED PRACTICE. In the event that the applicant's physical or mental impairment is determined not to constitute or result in a substantial impediment to employment or the impediment to employment is found to result from factors other than physical or mental impairment, the record of services must be closed to closure status 08 from program status 02 and the appropriate reason for closure must be coded 09, "no substantial impediment to employment."]

# 480.10 INELIGIBLE, DOES NOT REQUIRE VR SERVICES

An individual with a physical or mental impairment which constitutes or results in a substantial impediment to employment must also require vocational rehabilitation services in order to prepare for, enter or reenter, or maintain an employment outcome to be eligible, as required by PPM chapter 421.14. An individual must be determined not to require vocational rehabilitation services if he or she does not require at least one vocational rehabilitation service that is essential to job preparation, performance, or retention, as for example when:

(1) the physical or mental impairment has already been corrected or sufficiently compensated to the extent that the individual is able to prepare for, secure, and maintain employment independently, without Vocational Rehabilitation Program intervention; or

(2) the individual is able to prepare for, secure, and maintain employment with other assistance (in which case referral and application assistance to the appropriate alternative agency or program are required).

[REQUIRED PRACTICE. If an applicant is determined not to require vocational rehabilitation services to achieve an employment outcome, the record of services must be closed to closure status 08 from program status 02 and the appropriate reason for closure must be coded 11, "does not require VR services."]

# 480.11 INELIGIBLE, DISABILITY TOO SIGNIFICANT

In order to be eligible for vocational rehabilitation services, an individual determined to have a physical or mental impairment which constitutes or results in a substantial impediment to employment and to require vocational rehabilitation services in order to achieve an employment outcome must further be able to benefit in terms of employment if the required services are provided, as described in PPM 421.15. An individual whose disability is so significant as to preclude the individual's ability to successfully prepare for, secure, or maintain an employment outcome from the provision of vocational rehabilitation services is, therefore, ineligible; however, the ability of the individual to benefit is presumed, unless there is clear and convincing evidence which demonstrates that the individual cannot benefit from services provided in terms of achieving an employment outcome. Such evidence must be obtained by either trial work experiences which demonstrate the individual's inability to perform specific work functions in a work environment or an extended evaluation which demonstrates the individual's inability to benefit sufficiently from services to obtain minimum job qualifications and perform in accordance with job expectations in an integrated work setting.

[REQUIRED PRACTICE. If a determination is made that clear and convincing evidence demonstrates that an applicant is too significantly impaired to benefit in terms of an employment outcome from the provision of services, the record of services must be closed to closure status 08 from program status 04 (trial work experiences) or program status 06 (extended evaluation), and the appropriate reason for closure must be coded 02, "disability too significant to benefit."]

# PREVIOUSLY ELIGIBLE INDIVIDUALS CLOSED NO LONGER ELIGIBLE

#### 480.12 NO LONGER ELIGIBLE

A determination that an individual previously determined to be eligible is no longer eligible for services can be made only on the basis of a determination that, following an eligibility determination, a subsequent determination has been made that the individual is no longer able to achieve an employment outcome because the disability is so significant as to preclude individual's successfully preparing for, securing, or maintaining an integrated employment outcome from continued services.

[REQUIRED PRACTICE. If a determination is made that a previously eligible individual is no longer eligible, the record of services must be closed to closure status 30 from program statuses 10, 11, 12, or 81 or to closure status 28 from any of program statuses 14, 16, 18, 20, 22, or 24, as applicable, and the appropriate reason for closure must be coded 02, "disability too significant to benefit." The record of services of an eligible individual cannot be closed as no longer eligible for any reason other than a subsequent determination that the individual's disability is too significant to benefit from continued services (i.e., the reason for closure cannot be "no disabling condition" (reason for closure code 08), "no substantial impediment" (reason for closure code 09), or "does not require VR services" (reason for closure code 11). An individual's opportunity to complete a program of vocational rehabilitation services cannot be denied because the services provided have effectively corrected or significantly improved the impairment or eliminated or reduced the substantial impediment to employment.]

#### 480.13 BASIS FOR THE DETERMINATION

The determination described in section 480.12 must be based on the individual's inability to benefit sufficiently from the services provided to achieve an employment outcome consistent with his or her vocational strengths, resources, priorities, concerns, abilities, capabilities, and interests.

[REQUIRED PRACTICE. Once an individual has been determined to be eligible for services and the record of services is in program status 10 or beyond, neither trial work experiences (status 04) nor an extended evaluation (status 06) can be provided, and the determination that the individual is no longer able to achieve an employment outcome must, therefore, be based on additional, intercurrent diagnostic and evaluation services or a demonstrated inability to progress toward an employment outcome despite the vocational rehabilitation services provided.]

# UNSUCCESSFUL CLOSURES FOR REASONS OTHER THAN INELIGIBILITY

#### 480.14 REASONS OTHER THAN INELIGIBILITY

The Vocational Rehabilitation Counselor can close the record of services of any applicant or eligible individual at any time for any of a variety of reasons which are <u>other than</u> that the individual is ineligible or no longer eligible for services.

# (1) UNABLE TO LOCATE OR CONTACT

A determination that an applicant or eligible individual cannot be located or contacted can be made only if the individual is no longer present in the state, his or her whereabouts are unknown, or the individual or his or her representative has failed to respond to multiple contact attempts made and documented by the Counselor over a reasonable period of time using different means, including contact attempts made by mail, telephone, electronic mail, or other means using the language, alternative form of communication, or appropriate mode of communication consistent with the individual's informed choice, where the necessary contact information (mailing address, telephone number, e-mail address, communication needs and preferences) are known. An individual can be determined to be no longer present in the state only if he or she no longer meets the requirements described in PPM 110.02, except that no such determination can be made solely on the basis that the individual is receiving planned and agreed-upon services out of state if the other requirements described in PPM 110.02 continue to be valid.

[REQUIRED PRACTICE. If any applicant or eligible individual has moved out of state or cannot be located or contacted, the record of services must be closed to the appropriate closure status (08, 30, or 28) and the appropriate reason for closure must be coded 01, "unable to locate or contact."]

# (2) REFUSED SERVICES OR FURTHER SERVICES

Participation in the Vocational Rehabilitation Program is voluntary, and any applicant or eligible individual may make an informed choice not to participate in the Vocational Rehabilitation Program, or to discontinue participation, at any time.

[REQUIRED PRACTICE. If an applicant or eligible individual refuses services or further services, the record of services must be closed to the appropriate closure status (08, 30, or 28) and the appropriate reason for closure must be coded 03, "refused services or further services."]

### (3) INDIVIDUAL DECEASED

[REQUIRED PRACTICE. If an applicant or eligible individual is deceased, the record of services must be closed to the appropriate closure status (08, 30, or 28) and the appropriate reason for closure must be coded 04, "individual deceased."]

# (4) INDIVIDUAL INSTITUTIONALIZED

For the purposes of this paragraph, "institutionalized" means that the individual has been admitted to a hospital, nursing facility, hospice, or other medical or mental health, correctional, or other facility for an extended or indefinite period of time and under conditions prohibiting effective Vocational Rehabilitation Program participation and job placement.

[REQUIRED PRACTICE. If an applicant or eligible individual is institutionalized, the record of services must be closed to the appropriate closure status (08, 30, or 28) and the appropriate reason for closure must be coded 05, "individual institutionalized."]

# (5) INDIVIDUAL TRANSFERRED

For purposes of this paragraph, "transfer" includes, but is not limited to, the referral of the individual to a Vocational Rehabilitation Program of another state, or to another program within the state providing training and employment services, when the services required by the individual can be more appropriately obtained elsewhere. In all such instances, the Vocational Rehabilitation Counselor must provide and document the referral and the assistance provided to facilitate the referral and transfer to the other agency or program.

[REQUIRED PRACTICE. If an applicant or eligible individual is transferred, the record of services must be closed to the appropriate closure status (08, 30, or 28) and the appropriate reason for closure must be coded 06, "individual transferred."]

# (6) FAILURE TO COOPERATE

The individual, or his or her representative, must be determined to have failed to cooperate if:

- (A) after multiple attempts to secure cooperation—
- (1) the individual has failed repeatedly to keep appointments for assessment, counseling, or other services,
- (2) the individual has failed to make satisfactory progress medically due to lack of compliance with prescribed treatment, in training, or in terms of other necessary services provided, or
- (3) the actions or failure to act of the individual or representative prevent or seriously compromise the ability of the Counselor to properly assess the individual's eligibility and priority for services, the nature and scope of the individual's vocational rehabilitation needs, the provision or denial of services, the efficacy of services provided and the appropriateness of their continuance, modification, or termination, or the decision to close the record of services in a timely, effective, and cost-efficient manner; or
- (B) the eligibility determination or services of the individual have been based on fraudulent or material misrepresentations made prior to or during the provision of services, including, but not limited to, falsified claims or documentation with respect to—
  - (1) the individual's physical or mental impairment or substantial impediment to employment,
  - (2) his or her identity, citizenship or immigration status, or lawful right to work,
    - (3) work status,
    - (4) Social Security beneficiary or recipient status, or
  - (5) individual or family income, as it affects program financial participation requirements.

[REQUIRED PRACTICE. If an applicant or eligible individual fails to cooperate, the record of services must be closed to the appropriate closure status (08, 30, or 28) and the appropriate reason for closure must be coded 07, "failure to cooperate."]

# (7) TRANSPORTATION NOT FEASIBLE OR AVAILABLE

Transportation is not feasible or available for purposes of this paragraph if the individual is unable to accept or maintain employment because suitable transportation adequate to meet the individual's ongoing transportation needs is not feasible or is unavailable, such as when public transportation services are unavailable or insufficient to meet the needs of the individual on a long-term basis, or the individual is unable to secure a valid driver's license or lacks the ability to drive or the income necessary to obtain, operate, maintain, and insure a motor vehicle.

[REQUIRED PRACTICE. If transportation is not feasible or available for any applicant or eligible individual as described in paragraph (7), the record of services must be closed to the appropriate closure status (08, 30, or 28) and the appropriate reason for closure must be coded 10, "transportation not feasible or available."]

# (8) EXTENDED SERVICES NOT AVAILABLE

Closure of an applicant's or eligible individual's record of services is permitted if the individual might benefit from the provision of supported employment (SE) services, but no extended services provider can be identified that is available to the individual or able to provide the extended services and supports required on an ongoing basis.

[REQUIRED PRACTICE. If an extended services provider cannot be identified or available providers are unable to provide the extended services and supports required on an ongoing basis, the record of services must be closed to the appropriate closure status (08, 30, or 28) and the appropriate reason for closure must be coded 12, "extended services not available."]

# (9) SHELTERED EMPLOYMENT

The record of services of an applicant or eligible individual can be closed if the individual is able to achieve only sheltered work, or chooses to seek or remain in sheltered work and, therefore, cannot be expected, or can no longer be expected, to achieve an employment outcome in an integrated setting.

[REQUIRED PRACTICE. With regard to paragraph (9) of this section, see also the sheltered work referral requirements described in PPM chapter 421. If an applicant is able to achieve only sheltered work, or chooses to seek or remain in sheltered work, the

record of services must be closed to the appropriate closure status (08, 30, or 28) and the appropriate reason for closure must be coded 14, "sheltered employment."]

#### ELIGIBLE INDIVIDUALS REHABILITATED AND NOT REHABILITATED

#### 480.15 ELIGIBLE INDIVIDUALS REHABILITATED

The record of services of an individual who has achieved an employment outcome can be closed as successfully rehabilitated only if the individual was determined to be eligible for vocational rehabilitation services and all of the following requirements have been met.

# (1) EMPLOYMENT OUTCOME ACHIEVED

The individual has achieved the employment outcome that is specified in the individual's IPE in accordance with PPM 451 and that outcome is:

- (A) consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice; and
- (B) in the most integrated setting possible, consistent with the individual's informed choice.

# (2) EMPLOYMENT OUTCOME MAINTAINED

The individual has successfully maintained the employment outcome described in paragraph (1) of this section for a period of time not less than 90 calendar days (60 calendar days following transition to extended services in the case of individuals achieving a supported employment outcome) sufficient to assure the stability of the outcome achieved and that the individual needs no further vocational rehabilitation services.

# (3) SERVICES HAVE CONTRIBUTED SUBSTANTIALLY TO THE ACHIEVEMENT OF THE EMPLOYMENT OUTCOME

The vocational rehabilitation services provided under the individual's IPE have contributed substantially to the achievement of the employment outcome identified in his or her IPE.

# (4) SATISFACTORY OUTCOME

At the end of the period described in paragraph (2) of this section, the individual or the individual's representative and the Vocational Rehabilitation Counselor or other Vocational Rehabilitation Program authority consider the employment outcome to be satisfactory and agree that the individual is performing well on the job.

# (5) POST-EMPLOYMENT SERVICES NOTIFICATION

The individual has been informed, in writing supplemented as applicable in the language, alternative format, or appropriate mode of communication of the individual's informed choice, regarding the availability of postemployment services.

[REQUIRED PRACTICE. If an eligible individual has achieved an employment outcome meeting all five of the requirements described in this section, the record of services must be closed to the appropriate closure status (26) and the appropriate reason for closure must be coded 00, "achieved employment outcome."]

#### 480.16 ELIGIBLE INDIVIDUALS NOT REHABILITATED

The record of services for any eligible individual failing to meet any one or more of the requirements described in section 480.15 of this chapter after the provision of vocational rehabilitation services under an approved IPE (i.e., closures from any of program statuses 14, 16, 18, 20, 22, or 24 where the employment outcome has not been achieved) must be closed unsuccessfully to the appropriate closure status (28) and the applicable reason for closure must be specified, as described in section 480.14 of this chapter.

#### RECORD OF SERVICES DOCUMENTATION REQUIREMENTS

#### 480.17 REQUIRED DOCUMENTATION

Each record of services closed must include all documentation and data necessary to meet all federal, state, and internal reporting requirements, including documentation demonstrating that:

- (1) the closure letter or Final Plan Amendment (FPA) required to close the record of services, as described in section 480.02 has been provided, and that consultation prior to closure has occurred, was refused, or was not possible, due to the unavailability of the individual or the individual's representative;
- (2) if applicable, notification that the annual review of ineligibility determination described in section 480.03 and PPM chapter 481 has been scheduled or was refused or not possible;
- (3) if applicable, notification that the annual sheltered employment review has been scheduled, in accordance with the requirements of section 480.04 of this chapter and PPM chapter 482; and
- (4) the fiscal reconciliation requirements described in section 480.06 have been met.

#### 480.18 INFORMATION TECHNOLOGY SYSTEM COMPLIANCE

All required information, data, and documents must be incorporated and maintained in the record of services for the individual in a manner consistent with Indiana Rehabilitation Information System (IRIS) requirements.

[AUTHORITY: Federal regulations 34 CFR 361.1; 361.12; 361.13(c); 361.39; 361.43; 361.44.]

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